

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Yvonne P. Morand

Date Application filed with the Town Clerk: July 28, 2005

Nature of request: Petitioner seeks a Special Permit, under Sections 3.231 and 6.15 of the Zoning Bylaw, to construct a shed in an FPC zone.

Location of property: 125 East Hadley Road, (Map 17C, Parcel 134, R-N and FPC Zones)

Legal notice: Published in the Daily Hampshire Gazette on August 10, 2005, and August 17, 2005, and sent to abutters on August 10, 2005.

Board members: Zina Tillona, Tom Simpson and Barbara Ford

Submissions: The applicants submitted the following documents which are on file in the Planning Department:

- Drawings of the proposed shed including front elevation and cross section
- Plan of the property showing shed location
- Photograph of a similar shed
- Written description of proposed project

The Planning Department submitted Memorandum Re: ZBA FY2006-00004, dated August 19, 2005, which discussed zoning, previous permits, dimensional requirements, parking, lighting and Conservation Commission review.

Site Visit: September 6, 2005

At the site visit the Board observed the following:

- The location of the property in a neighborhood of older homes across the road from the Fort River and the proximity of the neighbor's house on the east side.
- The well-kept condition of the landscaped yard and house.
- The proposed location of the shed which had been staked with steel reinforcing bars.
- The location of the property boundary markers at the southeast and northeast corners of the property.
- The driveway and side entry door on the east side of the house, and the deck at the rear of the house.

Public Hearing: September 8, 2005.

The public hearing was originally schedule for August 25, 2005, but was continued to September 1, 2005, due to lack of a quorum. On September 1 the public hearing was continued, again, to September 8, 2005, because the applicant was unavailable.

Yvonne Morand presented the petition. She made the following statements:

- She requested permission to erect a utility shed at the end of her driveway in an FPC (Flood Prone Conservancy) District [according to Section 3.231 of the Zoning Bylaw “structures associated with allowable uses in Section 3.3 and accessory structures” require a Special Permit from the Zoning Board of Appeals in order to be constructed in an FPC District.]
- The shed will be prefabricated, 8 feet x 10 feet in horizontal dimensions, 10 feet high, and located 12 feet from the side property line.
- The Zoning Bylaw requires that the shed be located a distance equal to its height from the side property line, at a minimum.
- The shed will not obstruct parking.
- There will be a motion sensor light on the house at the side door, but there will be no light in the shed.
- Trash will be stored in the shed between pick-ups.
- There will be no foundation; the shed will be set on timbers on a crushed stone base.
- Ms. Morand has received permission of the Conservation Commission to locate the shed in a flood zone.

There were no comments from the public.

Barbara Ford MOVED to close the evidentiary portion of the public hearing. Tom Simpson SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

Public Meeting

At the public meeting, the Board discussed the application. Mr. Simpson noted that he had no problems with the application. He stated that the shed should be painted to match the house and should be built according to the plans submitted.

Findings:

Under Zoning Bylaw Section 10.38 the Board found that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because the shed is small in size, is an accessory use to the primary residential use, is located to the rear of the site and will not be visually intrusive.

10.382 – The proposal would not constitute a nuisance because there will be no noise, odor, dust, vibration, lights or other visually offensive structures or site features generated by the proposed shed.

10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because it will be located at the end of the driveway, it will not obstruct parking or access to the entrance to the house nor will it obstruct the stairs to the deck.

10.384 – Adequate and appropriate facilities would be provided for the shed because there is ample room at the end of the driveway to locate the shed and a flat, level area will be created by grading and installing a crushed stone base on which the shed will sit.

10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site because yard maintenance equipment and trash can be stored in the shed and not in the yard.

10.386 – The proposal ensures that it is in conformance with the parking regulations of the town because it will not obstruct parking in the driveway.

10.389 – The proposal provides adequate methods of storage for refuse and recyclables because it provides storage for these items between trash pick-ups.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because there will be no lights on the shed.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because it will be small in size and will be painted to match the existing house.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Zoning Board Decision

Tom Simpson MOVED to approve the application with conditions. Barbara Ford SECONDED the motion.

For all the reasons stated above the Board VOTED unanimously to GRANT a Special Permit, with conditions, to Yvonne P. Morand to construct an accessory structure (a shed) in an FPC zone, under Sections 3.231 and 6.15 of the Zoning Bylaw, at 125 East Hadley Road, (Map 17C, Parcel 134, R-N and FPC Zones).

_____ ZINA TILLONA	_____ TOM SIMPSON	_____ BARBARA FORD
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FILED THIS _____ day of _____, 2005 at _____,
in the office of the Amherst Town Clerk _____.
TWENTY-DAY APPEAL period expires, _____ 2005.
NOTICE OF DECISION mailed this _____ day of _____, 2005
to the attached list of addresses by _____, for the Board.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2005,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, with conditions, to Yvonne P. Morand to construct an accessory structure (a shed) in an FPC zone, under Sections 3.231 and 6.15 of the Zoning Bylaw, at 125 East Hadley Road, (Map 17C, Parcel 134, R-N and FPC Zones).

1. The shed shall be built according to plans approved by the Board at a public meeting on September 8, 2005.
2. The shed shall be painted or stained to match the house.

ZINA TILLONA, Chair
Amherst Zoning Board of Appeals

DATE